



STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

801 K Street • Suite 2015 • Sacramento, California 95814



PHONE: 916 / 322-1082 • FAX: 916 / 445-0738 • TDD: 916 / 324-2555 • INTERNET: conservation.ca.gov/smgb

ALLEN M. JONES, CHAIR
ROBERT GRIEGO, VICE CHAIR

JULIAN C. ISHAM
SEENA HOOSE
CHERYL BLY-CHESTER

ERIN GARNER
ROBERT TEPEL

Issued: July 31, 2006

The State Mining and Geology Board

Will hold a Public Hearing on:

Thursday, September 14, 2006

10:00 A.M.

**Crowne Plaza Hotel
282 Almaden Blvd.
San Jose, California 95113**

The State Mining and Geology Board (SMGB) will conduct a public hearing at the above listed time and location to receive comments regarding Santa Clara County's administration of the Surface Mining and Reclamation Act (SMARA, Public Resources Code Section 2710 et seq.) and the extent to which the SMGB should assume any of the County's SMARA authorities pursuant to PRC Section 2774.4 and the 45-Day Notice to Correct Deficiencies issued April 19, 2006. Affected surface mine operators and interested persons have the right at the public hearing to present oral and written evidence on the matter being considered. The SMGB may, at the public hearing, place reasonable limits on the right of affected surface mining operators and interested persons to question and solicit testimony. This public hearing is being conducted pursuant to PRC Section 2774.4. Please note that should the SMGB assume the County's SMARA

Mission of the State Mining and Geology Board is to Represent the State's Interest in the Development, Utilization and Conservation of Mineral Resources; Reclamation of Mined Lands; Development of Geologic and Seismic Hazard Information; and to Provide a Forum for Public Redress

authority, the SMGB hereby gives notice that any of the existing SMARA program orders issued by the County will be continued in force by the SMGB and may be modified as the SMGB deems appropriate.

Article 1, General Provisions, of the Surface Mining and Reclamation Act of 1975 provides in Section 2712 the following:

“It is the intent of the Legislature to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations so as to assure that:

- (a) Adverse environmental effects are prevented or minimize and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.
- (b) The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.”
- (c) Residual hazards to the public health and safety are eliminated.

Article 5, Reclamation of Mined Lands and the Conduct of Surface Mining Operations, of SMARA provides in part, in Section 2774.1(f) that:

“The lead agency has primary responsibility for enforcing this chapter [SMARA] and Section 2207.”

Public Resources Code Section 2774.4 provides that if the SMGB finds that a lead agency has failed to perform its specific responsibilities to enforce the Act, or performs those responsibilities deceptively, then the responsibility for enforcing the Act shall be assumed by the SMGB.

Those wishing to submit written comments prior to the hearing should supply the SMGB with twelve (12) copies of the materials not later than September 1, 2006; otherwise, interested parties may distribute materials during the hearing. For additional information, please contact: Mr. Stephen Testa, Executive Officer, State Mining and Geology Board, 801 K Street, MS 20-15, Sacramento, California 95814, or call (916) 322-1082.

A specific agenda for this hearing will be published ten days prior to the SMGB meeting.